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Defendant Gary W. Rodrigues

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF HAWAII

JEANNE K. ENDO,)	CIVIL NO. 03-00563 LEK
)	
Plaintiff,)	THIRD-PARTY DEFENDANT GARY
)	W. RODRIGUES' THIRD MOTION
vs.)	IN LIMINE TO BAR ALL
)	TESTIMONY OR EVIDENCE
UNITED PUBLIC WORKERS, AFSCME)	REGARDING UPW'S SUSPENSION
LOCAL 646, AFL-CIO,)	AND/OR REMOVAL OF GARY
)	RODRIGUES' FROM HIS
Defendant.)	POSITION AT UPW; MEMORANDUM
)	IN SUPPORT; CERTIFICATE OF
vs.)	SERVICE
)	
GARY W. RODRIGUES,)	
)	
Third-Party)	
Defendant)	
)	TRIAL: May 13, 2008
)	

THIRD-PARTY DEFENDANT GARY RODRIGUES'
THIRD MOTION IN LIMINE TO BAR ALL TESTIMONY
OR EVIDENCE REGARDING UPW'S SUSPENSION AND/OR
REMOVAL OF GARY RODRIGUES' FROM HIS POSITION AT UPW

Comes now Third-Party Defendant GARY W. RODRIGUES
(hereinafter referred to as "Rodrigues"), by and through his
attorneys, and hereby moves in limine for an order barring all

testimony or evidence regarding Defendant United Public Workers, AFSCME Local 646, AFL-CIO's (hereinafter "UPW") suspension and/or removal of Rodrigues from his position at the UPW at trial in the above referenced case on the bases that such evidence:

1. Lacks any relevance to any of the issues in this case, and;
2. Will result in unfair prejudice to Rodrigues, confuse the issues in this case and/or mislead the jury, and;
3. Is barred by Rule 404(b), Federal Rules of Evidence.

This motion is brought pursuant to Rule 7(b) of the Federal Rules of Civil Procedure, Rules 401, 402, 403, and 404 of the Federal Rules of Evidence, Rule 16.9, Local Rules of Practice for the United States District Court for the District of Hawaii, and is based upon the memorandum attached hereto, the records and files in this action and such further evidence or argument which may be presented at a hearing on the motion.

DATED: Honolulu, Hawaii, April 22, 2008.

/s/ Eric A. Seitz
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Defendant Gary Rodrigues